

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS FAIR HOUSING)
CENTER and HOUSING WORKS, INC.,)
Plaintiffs,)
v.) Civil Action No. 3:20-cv-11765
UNITED STATES DEPARTMENT OF)
HOUSING AND URBAN DEVELOPMENT)
and BEN CARSON, Secretary of the)
Department of Housing and Urban)
Development,)
Defendants.)

DECLARATION OF JO-ANN BARBOUR

I, Jo-Ann Barbour, upon my personal knowledge, and in accordance with 28 U.S.C. § 1746(2), declare as follows:

1. I am over the age of eighteen. This declaration is made based on my personal knowledge and business records kept by Charlesview, Inc.

Charlesview, Inc.

2. I serve as the Executive Director of Charlesview, Inc. Allston/Brighton is a set of two interlocking neighborhoods in Boston, Massachusetts. Charlesview, Inc. is the minority partner in the Charlesview Housing Limited Partnership (CHLP). The CHLP owns 240 affordable and mixed income apartments, retail space and a community center in Brighton, MA. Charlesview, Inc. has been operating as a not-for-profit in the Allston/Brighton community for nearly 50 years. In addition, Charlesview, Inc. operates the Rabbi Abraham Halbfinger and Charlesview Charitable Fund that provides funding to service providers in the Allston/Brighton Community.
3. Recognizing that rapidly rising housing costs disproportionately affect the neighborhood's most vulnerable residents, creating housing instability and displacement of low- and moderate-income individuals from critical community assets, our mission is to advance the well-being of families and individuals by providing safe, secure and affordable homes, offering programs designed to enrich, educate and inspire and through innovative philanthropy. Charlesview, Inc. is dedicated to building a strong, diverse, sustainable, and vibrant community for all residents of Allston/Brighton.

4. In my role as Executive Director of Charlesview, Inc. I oversee all aspects of the activities conducted by the organization. I have over three decades of experience in non-profit and public sector organizations specializing in community-based services for diverse populations with an emphasis on affordable housing.
5. In addition to providing homes directly to low- and moderate-income residents, Charlesview, Inc. provides on-site programming in collaboration with community-based partners that includes job search and computer skill development, parenting and child development, homework assistance, health and wellness for residents and neighbors in the surrounding community.

The Impact of the Challenged Rule on Allston Brighton

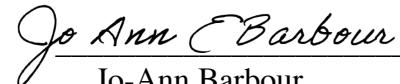
6. I understand that the U.S. Department of Housing and Urban Development has issued a new regulation on the disparate impact provisions of the Fair Housing Act (the “Final Rule”), and I have reviewed the rule.
7. The Final Rule will undermine the broad remedial goals of the Fair Housing Act to eviscerate segregation, promote housing choice, and provide equal access for all to safe, affordable homes. In particular, the effect of the Final Rule, coupled with the recent rollback of the Affirmatively Furthering Fair Housing Rule, will preclude advocates from negotiating with or bringing legal challenges against municipalities that adopt zoning policies or practices that impede multi-family development.
8. This declaration will demonstrate the ongoing need for enhanced housing protections to protect vulnerable residents and promote the development of multifamily housing through the case study of Allston Brighton.
9. Allston Brighton is a largely middle- and low-income neighborhood, with approximately 30% of residents identifying as non-White. 26% of Allston/Brighton residents are immigrants, particularly from China, Vietnam, Haiti, Russia, and Brazil. 80% of all Allston Brighton residents rent, rather than own, their home.
10. Many immigrant households are families with children under 17 and these households typically include an extended family. Three and four-bedroom units in Allston/Brighton are scarce—Charlesview is one of only a few developments offering three- and four-bedroom units.
11. This forces many of these families to pay well over one-third of their income in rent or to live in overcrowded conditions. In 2016, a household earning a median income would have had to pay 63% of its income to rent a three-bedroom apartment in Allston/Brighton.
12. Most of the new construction approved in Allston Brighton by the Boston Planning and Development Agency since 2009 has been market rate or higher studio and one to two-

bedroom apartments and condominiums that are targeted at higher-income households, to the exclusion of low-income families of color or immigrant families. Several of the newly constructed units are small conversions, which split larger housing units into smaller ones, reducing the supply of units suitable for multigenerational families—who are disproportionately immigrants and non-White—and replacing them with smaller units to serve a more affluent, White population.

13. Even when single or two-family homes or three- or four-bedroom apartments are available, these units are quickly taken by students who can afford the escalating prices by sharing the apartments with fellow students making it difficult for low-income families to compete. Landlords welcome the opportunity to rent to this transient population made up of multiple students at higher rent levels who have no stake in the community and tend to remain only as long as their studies require. Given their limited length of stay, landlords often defer maintenance and upgrades normally addressed by more traditional tenancies.
14. Local input into zoning and planning processes tend to attract long-time residents who often contribute to an intimidating atmosphere which limits the involvement of neighborhood newcomers and non-English speaking participants. The input gathered through these processes often leave out the views of those included as protected classes.
15. Charlesview, Inc. is aware that many landlords in the neighborhoods employ policies that disproportionately affect tenants of color and immigrant tenants, including refusing to accept tenant-based subsidies through the Section 8 program, requiring exorbitant upfront costs (such as first and last month's rent, a broker's fee and a security deposit), or unilaterally excluding tenants with a history of evictions or an arrest record. All of these, while facially neutral, have a discriminatory effect on classes protected by the Fair Housing Act.
16. The Final Rule will gravely harm the ability of these tenants of color and immigrant tenants, who need more, not less, housing choice, to bring disparate impact discrimination claims under the Fair Housing Act and provide landlords and zoning officials cover to engage in discriminatory actions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my information and belief.

DATED this 29th day of September 2020, at Brighton, MA.



Jo-Ann Barbour
Executive Director
Charlesview, Inc.